

UNITED STATES DISTRICT COURT

Northern District of California

UNITED STATES OF AMERICA

v.
Darryl Burks

) **JUDGMENT IN A CRIMINAL CASE**
(For **Revocation** of Probation or Supervised Release)
)
) USDC Case Number: CR-08-00594-002 SBA
) BOP Case Number: DCAN408CR000594-002
) USM Number: 12349-111
) Defendant's Attorney: Edwin Prather

THE DEFENDANT:

☒ admitted guilty to violating the conditions of the term of supervision as set forth in charges two (2) and three (3) of the Amended Petition for Summons for Offender Under Supervision filed 5/22/2014 (copy attached). The defendant waived his right to a hearing.

☐ Was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
Two	Defendant unlawfully possessed a controlled substance	March 5, 2014
Three	Defendant unlawfully used a controlled substance	April 24, 2014

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ Charge one (1) is dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 8655

Defendant's Year of Birth: 1963

City and State of Defendant's Residence:
Oakland, California

July 22, 2014

Date of Imposition of Judgment



Signature of Judge
The Honorable Saundra Brown Armstrong
Senior United States District Judge

Name & Title of Judge

7/28/2014

Date Signed

DEFENDANT: Darryl Burks

Judgment - Page 2 of 4

CASE NUMBER: 0971 4:08CR00594-002 SBA

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:
TIME SERVED

- ☐ The Court makes the following recommendations to the Bureau of Prisons:
- ☒ The defendant is remanded to the custody of the United States Marshal. The appearance bond is hereby exonerated.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ am ☐ pm on _____ (no later than 2:00 pm).
- ☐ as notified by the United States Marshal.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ at _____ ☐ am ☐ pm on _____ (no later than 2:00 pm).
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another Federal, State, or local crime. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to a drug test within 15 days of release on supervised release and two periodic drug tests thereafter.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

SPECIAL CONDITIONS OF SUPERVISION

Prior Conditions

(Original Conditions Imposed March 23, 2010)

- 1) The defendant shall pay any restitution and special assessment that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release.
- 2) The defendant shall provide the probation officer with access to any financial information, including tax returns, and shall authorize the probation officer to conduct credit checks and obtain copies of income tax returns.
- 3) The defendant shall not open any new lines of credit and/or incur new debt without the prior permission of the probation officer.
- 4) The defendant shall participate in a program of testing and treatment for drug abuse, as directed by the probation officer, until such time as the defendant is released from treatment by the probation officer. The defendant is to pay part or all of the cost of this treatment, at an amount not to exceed the cost of treatment, as deemed appropriate by the probation officer. Payments shall never exceed the total cost of urinalysis and counseling. The actual co-payment schedule shall be determined by the probation officer.
- 5) The defendant shall participate in a mental health treatment program, as directed by the probation officer. The defendant is to pay part or all cost of this treatment, at an amount not to exceed the cost of treatment, as deemed appropriate by the probation officer. Payments shall never exceed the total cost of mental health counseling. The actual co-payment schedule shall be determined by the probation officer.
- 6) The defendant shall submit his or her person, residence, office, vehicle, or any property under his or her control to a search. Such a search shall be conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to such a search may be grounds for revocation; the defendant shall warn any residents that the premises may be subject to searches.
- 7) The defendant shall not have contact with any codefendant in this case, namely Ardie Laster, Lydia Tinoco, Kerry Jones, and John Lacey.
- 8) The defendant shall not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons.
- 9) The defendant shall cooperate in the collection of DNA as directed by the probation officer.

(Modification imposed April 25, 2012)

- 10) The defendant shall make monthly restitution payments of at least \$10.00.

Additional Conditions

- 11) The defendant shall reside for a period of 6 months, to commence immediately following release from custody, as directed by the probation officer in a residential drug treatment facility and shall observe the rules of the facility.

The Defendant must pay the total criminal monetary penalties as originally imposed, less any payments already received:

Special Assessment: \$_____ Fine: \$_____ Restitution: \$ 39,099.76